

REMARKS

This communication is in response to an Official Action dated 4/02/2007. Claims 1-10, 12-21, and 23-36 are pending. Independent claims 1, 13, 23 and 31 are amended herewith to overcome the various outstanding rejections.

In the Official Action dated 4/02/2007, claims 23-36 were rejected under 35 U.S.C. § 101. Claims 1-22 were rejected under 35 U.S.C. § 112, first paragraph. Claims and 31-36 were rejected under 35 U.S.C. § 112, second paragraph. Finally, claims 13-21 and 31-36 were rejected under 35 U.S.C. § 102, while claims 1-10, 12, and 23-30 were rejected under 35 U.S.C. § 103. The various outstanding rejections are addressed in turn.

Rejection of Claims 23-36 Under 35 U.S.C. § 101

Claims 23-36 were rejected under 35 U.S.C. § 101 for allegedly failing to produce a useful, concrete, and tangible result. A “storing” limitation is added to independent claims 23 and 31, thereby producing a such useful, concrete, and tangible result. Withdrawal of the outstanding rejections of independent claims 23 and 31 and corresponding dependent claims 24-30 and 32-36 is respectfully requested

Rejection of Claims 1-22 Under 35 U.S.C. § 112, First Paragraph

Claims 1-22 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly inadequate support in the written description. Applicants direct the Examiner to paragraph 0052 of the written description, where the glossary, frequently asked questions, and reference document types are referred to. Applicants submit that a person of skill in the art will recognize such document types. Furthermore, storing a document may be done by a computer system as contemplated throughout the written description and as will be apparent to those of skill. Paragraphs 0055 and 0056 refer to computer readable storage media as will readily be appreciated as appropriate for storing an electronic document. Applicants request withdrawal of the outstanding rejections under 35 U.S.C. § 112, first paragraph in light of these aspects of the written description.

Rejection of Claims 31-36 Under 35 U.S.C. § 112, Second Paragraph

Claims 31-36 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to point out what is included or excluded by the claim language. The Official Action further alleged that these are omnibus type claims.

MPEP 2173.05(r) addresses omnibus claims. As stated in the MPEP, claims that take the form “A device substantially as shown and described” are properly rejected under 35 U.S.C. § 112, second paragraph. However, claims 31-36 differ from the cited text for a number of reasons. First, these claims refer to a specific section of the specification, e.g. Appendix A. The citation is not a vague reference to the entire specification as referred to in MPEP 2173.05(r).

Second, the claims include substantial additional structure which provide context for the reference to the specification. Such additional structure includes the preamble of claim 31, the requirement of a document conforming to the cited schema, instructions for validating, and instructions for storing. The additional structure provides context such that a person of skill in the art would know exactly how the cited section of the specification is to be incorporated into the claimed system.

Third, MPEP 2173.05(r) cites *Ex parte Fressola*, 27 USPQ2d 1608 (Bd. Pat. App. & Inter. 1993) for authority. That case states that “Incorporation by reference to a specific figure or table of properties, as mentioned in the last paragraph above, is permitted only in exceptional circumstances where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim.” Here, the Examiner will agree that it is much more concise, and in Applicant’s view more clear to refer to the schema in the Appendix than to actually cut and paste the schema into the claim.

For the above reasons Applicants view the reference to the specification as proper. Reconsideration and withdrawal of the rejections is respectfully requested.

Rejection of Claims 13-21 and 31-36 Under 35 U.S.C. § 102

Claims 13-21 and 31-36 were rejected under 35 U.S.C. § 102, as allegedly anticipated by Vlist. Independent claims 13 and 23 are amended to include a rollup schema requirement. Applicants refer the Examiner to paragraph 0053 of the specification. Because neither Vlist

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nor the other references of record disclose this limitation, Applicants respectfully request withdrawal of the rejections to claims 13-21 under 35 U.S.C. § 102.

The Official Action alleges that claims 31-36 are substantially similar to claims 13-21. However, there is at least one element in claim 31 that substantively differs from claims 13-21. Claims 31-36 require a computer readable medium with a recorded representation of *a data structure comprising a document conforming to a schema as set forth in appendix section A*. The rejection fails to particularly point a schema as set forth in appendix section A in any of the references. Applicants therefore request withdrawal of the outstanding rejections of claims 31-36 under 35 U.S.C. § 102.

Rejection of Claims 1-10, 12, and 23-30 Under 35 U.S.C. § 103

Claims 1-10, 12, and 23-30 were rejected under 35 U.S.C. § 103 as allegedly obvious over Vlist in view of the knowledge of a skilled artisan. Independent claims 13 and 23 are amended above to include a rollup schema requirement. Because neither Vlist nor the other references of record disclose this limitation, Applicants respectfully request withdrawal of the rejections to claims 1-10, 12, and 23-30 under 35 U.S.C. § 103.

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/Nathaniel Gilder/
Nathaniel Gilder
Registration No. 53,233

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439